

REMARKS

The Advisory Action mailed 16 November 2005 states that the arguments in Applicants' Response mailed 13 October 2005 did not place the application in condition for allowance in part because Applicants did not provide a showing of unexpected or superior results that dosage forms for oral administration would not be apparent from reference to the intravenous formulation.

The intravenous formulation of record in the instant application is Weder et al. The Examiner in the Final Office Action mailed 13 June 2005 maintained the rejections of claims 9 and 11 under 35 U.S.C. § 103(a) over Weder et al. (EP 733372 or its equivalent US 5726164). The Examiner states that one of ordinary skill would have readily optimized effective dosages as determined by good medical practice.

The Examiner in the Advisory Action did not provide a showing that one skilled in the art would not accept the teachings of Werner. Werner et al. in col 1-2 taught that oral dosage formulations for highly insoluble compounds such as staurosporines were not readily apparent to those skilled in the art, and hence an intravenous formulation was needed.

Applicants state on page 1 lines 6-16 of the instant application that tablet formation had previously been attempted in the art, but these tablet formulation had bioavailability problems that still needed to be solved. Applicants further state on page 1 lines 18 through page 2 line 2 that the instant oral formulation of the invention surprisingly solved the problem of oral administration of highly insoluble compounds by providing increased bioavailability and reduced variability for and between individual patients.

The Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

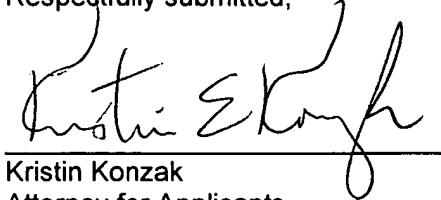
The Applicants believe that the instant Application is now in condition for allowance and request early notice to that effect.

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The Examiner is herein authorized to charge Deposit Account No. 19-0134 in the name of Novartis Corporation for fees which may be properly assessable in the case and to refund fees paid in excess of amounts owed.

If it will advance prosecution of the Application the Examiner is urged to contact the Applicants' undersigned counsel at the telephone number listed below.

Respectfully submitted,



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